

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

09 CRIM.

341

UNITED STATES OF AMERICA

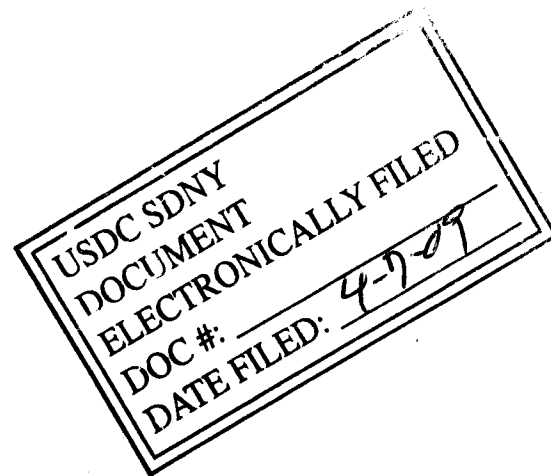
-v.-

JOSE PEÑA,
a/k/a "Chelo,"
RAFAEL FRANCISCO,
a/k/a "67,"
HECTOR RAYMOND PEÑA,
a/k/a "Frank Rodriguez,"
a/k/a "Montana,"
OMAR FLORES,
JOSE SANCHEZ-FERNANDEZ,
a/k/a "Jose Sanchez,"
a/k/a "Eddie," and
ELYN REYNOSO,
a/k/a "BB,"

Defendants.

INDICTMENT
UNDER SEAL

09 Cr. _____



COUNT ONE

The Grand Jury charges:

1. From in or about April 1997 up to and including on or about May 9, 1997, in the Southern District of New York and elsewhere, RAFAEL FRANCISCO, a/k/a "67," HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," OMAR FLORES, JOSE SANCHEZ-FERNANDEZ, a/k/a "Jose Sanchez," a/k/a "Eddie," and ELYN REYNOSO, a/k/a "BB," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to travel in and cause another to travel in interstate and foreign commerce, and to use and cause another to use the mail and any

facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value, to wit, OMAR FLORES, JOSE SANCHEZ-FERNANDEZ, and ELYN REYNOSO agreed with others to pay RAFAEL FRANCISCO and HECTOR RAYMOND PEÑA to kill Pedro Medina in exchange for currency and other things of pecuniary value, and in the course thereof did communicate through a facility of interstate commerce, which resulted in the death of Pedro Medina.

(Title 18, United States Code, Section 1958.)

COUNT TWO

The Grand Jury further charges:

2. From in or about April 1997 up to and including on or about May 9, 1997, in the Southern District of New York and elsewhere, RAFAEL FRANCISCO, a/k/a "67," HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," OMAR FLORES, JOSE SANCHEZ-FERNANDEZ, a/k/a "Jose Sanchez," a/k/a "Eddie," and ELYN REYNOSO, a/k/a "BB," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did travel in and cause another to travel in interstate and foreign commerce, and did use and cause another to use the mail and any facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of any State and the United

States as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value, and did aid and abet the same, to wit, HECTOR RAYMOND PEÑA, aided and abetted by FRANCISCO, FLORES, SANCHEZ-FERNANDEZ, and REYNOSO, and following communications through a facility of interstate commerce, used a .38 caliber firearm to kill Pedro Medina in the vicinity of East 156th Street and Southern Boulevard, Bronx, New York, in exchange for United States currency.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT THREE

The Grand Jury further charges:

3. On or about May 9, 1997, in the Southern District of New York, RAFAEL FRANCISCO, a/k/a "67," HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," and OMAR FLORES, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit murder-for-hire charged in Count One of this Indictment, and during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, a conspiracy to distribute cocaine in Manhattan, New York, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet in the use, carrying, and possession of a firearm, and in

the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined by Title 18, United States Code, Section 1111(a), to wit FLORES provided a .38 caliber revolver to RAFAEL FRANCISCO and HECTOR RAYMOND PEÑA, which PEÑA used to shoot and kill Pedro Medina in the vicinity of East 156th Street and Southern Boulevard, Bronx, New York.

(Title 18, United States Code,
Sections 924(j) and 2.)

COUNT FOUR

The Grand Jury further charges:

4. In or about June 1997, in the Southern District of New York, JOSE PEÑA, a/k/a "Chelo," RAFAEL FRANCISCO, a/k/a "67," and HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to travel in and cause another to travel in interstate and foreign commerce, and to use and cause another to use the mail and any facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value, to wit, JOSE PEÑA, RAFAEL FRANCISCO, and HECTOR RAYMOND PEÑA agreed with others to kill Jose Suarez in exchange for currency and other things of pecuniary value, and in the course thereof

did communicate through a facility of interstate commerce, which resulted in the deaths of Jose Suarez and Juan Carmona.

(Title 18, United States Code, Section 1958.)

COUNT FIVE

The Grand Jury further charges:

5. In or about June 1997, in the Southern District of New York, JOSE PEÑA, a/k/a "Chelo," RAFAEL FRANCISCO, a/k/a "67," and HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did travel in and cause another to travel in interstate and foreign commerce, and did use and cause another to use the mail and any facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value, to wit, JOSE PEÑA, RAFAEL FRANCISCO, and HECTOR RAYMOND PEÑA killed Jose Suarez in exchange for currency and other things of pecuniary value, after having communicated through a facility of interstate commerce.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT SIX

The Grand Jury further charges:

6. In or about June 1997, in the Southern District of New York, JOSE PEÑA, a/k/a "Chelo," RAFAEL FRANCISCO, a/k/a "67," and HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did travel in and cause another to travel in interstate and foreign commerce, and did use and cause another to use the mail and any facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value, to wit, JOSE PEÑA, RAFAEL FRANCISCO, and HECTOR RAYMOND PEÑA killed Juan Carmona in exchange for currency and other things of pecuniary value, after having communicated through a facility of interstate commerce.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT SEVEN

The Grand Jury further charges:

7. On or about June 25, 1997, in the Southern District of New York, JOSE PEÑA, a/k/a "Chelo," RAFAEL FRANCISCO, a/k/a "67," and HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendants, and others known and

unknown, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit murder-for-hire charged in Count Four of this Indictment, and during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, a conspiracy to distribute and possess with intent to distribute cocaine in Manhattan and the Bronx, New York, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, JOSE PEÑA, aided and abetted by FRANCISCO and HECTOR RAYMOND PEÑA, used a .38 caliber revolver to shoot and kill Jose Suarez in the vicinity of East 156th Street and Southern Boulevard, Bronx, New York.

(Title 18, United States Code,
Sections 924(j) and 2.)

COUNT EIGHT

The Grand Jury further charges:

8. On or about June 25, 1997, in the Southern District of New York, JOSE PEÑA, a/k/a "Chelo," RAFAEL FRANCISCO, a/k/a "67," and HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendants, and others known and

unknown, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit murder-for-hire charged in Count Four of this Indictment, and during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, a conspiracy to distribute and possess with intent to distribute cocaine in Manhattan and the Bronx, New York, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, JOSE PEÑA, aided and abetted by FRANCISCO and HECTOR RAYMOND PEÑA, used a .38 caliber revolver to shoot and kill Juan Carmona in the vicinity of East 156th Street and Southern Boulevard, Bronx, New York.

(Title 18, United States Code,
Sections 924(j) and 2.)


FOREPERSON


LEV L. DASSIN 
Acting United States Attorney

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UNITED STATES OF AMERICA

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ELYN REYNOSO,
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Defendants.

SEALED INDICTMENT

09 Cr.

Title 18, United States Code, Sections
924(j); 1958; and 2

LEV L. DASSIN
Acting United States Attorney.


FOREPERSON

Sealed Indictment Under Seal. A/W issued.

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U.S.A. +